

Town of Freeport, Maine  
Coastal Waters Commission  
Meeting Minutes  
December 9, 2020

Participants:	Jeff Stenzel Dayton Benway Laurie Orlando Peter Polovchik Mark Morrissey Joe Frazer Tod Yankee Amy Tchao – Town Attorney Charlie Tetreau – Harbor Master
Absent:	
Guests:	Peter Joseph – Town Manager Carter Becker Barney Baker Gretchen Iszard Parker Ethan Parker Joe Siviski Thornton Ring Sue Hadlock MJ Henry Peter Selian Sue Stafford Adam White

Coastal Waters Commission (the Commission) Meeting was called to order at 6:01 pm on December 9, 2020 via Zoom video conference.

Minutes from the November 2020 meeting were reviewed with three minor typo revisions proposed. After making the revisions Mr. Frazer moved to approve the minutes, and Ms. Orlando seconded the motion. All members of the Commission were in favor with none opposed.

#### **Harbormaster Report**

Mr. Tetreau shared the water front has slowed down with only a couple boats remaining in the river. Other commercial vessels are in a marina slip or have moved to Portland.

There is one aquaculture application pending for Freeport waters. Any questions or concerns can be shared with DMR. The gear will sit on the ocean bottom.

**Resident Commercial Passenger Boat Applications**

Three applications were received by the Harbormaster for Resident Commercial Passenger Boats which include the Jenny Ellen, the Pamela B, and SeaWalker. All three applications were for 6 passengers (6-pack).

Review of the application for the Pamela B reveals it is on “port hold” as it was not operated in 2020 due to the pandemic. The Pamela B will renew insurance and will exit “port hold” after a successful Coast Guard inspection in May of 2021. All other documentation required with the application was available, and in good standing.

The application(s) and documentation for the Jenny Ellen and SeaWalker met the required standards.

Insurance permits for the commercial boats cover any incidents on the vessel and the town wharfs.

**Wharfing Out Permit**

The permit for Thomas and Mary Martin, represented by Mr. Becker, Falls Point Marine, was introduced at the Commissions November meeting. The application is for Island Dock Access (wharfing out) application on Bustin’s Island.

As Mr. Becker originally described during the November meeting the total wharf and float length meet ordinance requirements. At the 75’ foot mark the wharf is pinned to ledge. The 45’ gangway will be stored on land, and the float will be hauled to Mere Point for storage. Use will be shared by neighbors, but not governed by any official contractual agreement. All abutters have been notified and no concerns have been raised. Construction will begin in the spring and is expected to be completed in a very short amount of time. Ice risk is as limited as possible given the placement of the permanent gangway on the land side. A 21’ Grady White will be the primary boat use.

The application meets all ordinance standards of the Commission. Mr. Morrissey moves to approve the application, and Mr. Frazer seconds the motion. There was no further discussion. All Commission members voted in favor of the motion with none opposed.

**Harraseeket Yacht Club (HYC) Hoist and Float Improvement Application**

Mr. Morrissey takes the chair for this issue after Mr. Stenzel recuses himself as he is a party to both the Commission and the HYC. Mr. Yankee and Mr. Frazer are similarly conflicted and recuse themselves.

The Commission has a sufficient quorum after the members have recused themselves.

Mr. Barney Baker addresses the Commission and introduces a letter from Mr. Gordon Smith, with the law firm Verrill, that supports the HYC rights to the intertidal shore by virtue of having improved the property in 1955, and by virtue of a submerged lands lease issued in 2010 by the Maine Bureau of Parks and Lands (BPL).

Mr. Morrissey, Ms. Tchao and Mr. Baker received a letter from Mr. Siviski on behalf of the Parkers in response to the HYC letter from Verrill that contends the Parkers have rights to the intertidal shore.

Mr. Baker explains the HYC does not agree with Mr. Siviski's interpretation and believed the property lines as interpreted in Mr. Siviski's letter have been inaccurate when previously presented in this manner.

HYC is having a survey completed to identify the property lines. Mr. Baker recommends this issue be tabled again until the survey is returned for the Commission to consider.

Mr. Morrissy acknowledges Mr. Baker's request to table further discussion and agrees. Before adjourning Mr. Morrissy calls for comments from the audience.

Mr. Ethan Parker addresses the Commission and shares the BPL rules prevail in this matter and they are clear. The other interpretations or surveys of the appropriate boundary line do not carry the weight of the BPL.

Mr. Baker relays the Project Review Board from the Town of Freeport performed a walkthrough at 3 pm today. The meeting was largely informational. The matter of the hoist will come before the project review board again in January.

Ms. Parker requests the Commission confirm they will only consider if the float system meets the standards of their ordinance as the Project Review Board is considering the hoist. Mr. Morrissy confirms the float system is the only item before the Commission.

MJ asks if the question of the hoist and float system is necessary at all given the existing access already available on the waterfront. Mr. Baker invites MJ to contact him outside the meeting to allow her to better understand the HYC intended uses and motivations.

No additional commenters make themselves known and Mr. Benway moves to adjourn and table further discussion to the January meeting. Mr. Polovchik seconds the motion. All members of the Commission are in favor with none opposed.

The meeting adjourns at 6:53 pm.